

1 Mark E. Ellis – 127159
2 Andrew M. Steinheimer – 200524
3 Amanda N. Griffith - 288164
4 555 University Avenue, Suite 200 East
5 Sacramento, CA 95825
6 Tel: (916) 283-8820
7 Fax: (916) 283-8821
8 mellis@ellislawgrp.com
9 asteinheimer@ellislawgrp.com
10 agriffith@ellislawgrp.com

11 Attorneys for Defendant,
12 RASH CURTIS & ASSOCIATES

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOSCO KANTE,
v.
RASH CURTIS & ASSOCIATES,
Defendants.

Case No.: 3:16-cv-05807-EDL

**DECLARATION OF BOB KEITH IN
SUPPORT OF DEFENDANT RASH CURTIS
AND ASSOCIATES' NOTICE OF MOTION
AND MOTION TO DISMISS PURSUANT TO
RULE 12(b)(5)**

**DATE: DECEMBER 20, 2016
TIME: 9:00 A.M.
CRTRM: E – 15TH FLOOR**

**HON. MAG. JUDGE ELIZABETH D.
LAPORTE**

I, Bob Keith, declare that:

1. I am a competent adult over the age of 18. The matters set forth below are personally known to me and I make this declaration based on my own personal knowledge. If called upon to testify, I could and would competently testify to the following facts:

2. I am currently the Executive Vice President of Rash Curtis & Associates, the named Defendant in this action. Over the years I have held numerous positions at Rash Curtis including Legal Collector, Collection Manager, Vice President, and now Executive Vice President. Although I worked at Rash Curtis at various time prior to 2008, I returned to Rash Curtis in 2008 and have worked there

1 continuously since that time. All told, I have over 26 years of experience in the receivables
2 management industry. Based on my position with Rash Curtis, I am intimately familiar with the
3 policies, practices and, procedures of Rash Curtis and I am familiar with the procedures for service of
4 lawsuits.

5 3. When Rash Curtis is personally served with a lawsuit, the summons and complaint are sent
6 to me immediately by an employee of Rash Curtis – generally, one of our paralegals. This case is no
7 exception. On October 11, 2016, someone purported to serve Rash Curtis with process in this matter.
8 However, the person attempting to affect service only served Rash Curtis with the summons. I have
9 personally confirmed with my employees that no other documents were served upon Rash Curtis at
10 that time. Attached hereto as **Exhibit A** is a true and correct copy of the summons Rash Curtis
11 received from Plaintiff (or his process server).

12 4. Attached hereto as **Exhibit B** is an e-mail I received from Ben Larsen, an employee of Rash
13 Curtis, confirming that Rash Curtis was only served with the summons. I received this e-mail in the
14 normal course of business.

15 5. Rash Curtis has not waived service in this matter.

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18 I declare under penalty of perjury under the laws of the State of California this 31 day of
19 October, 2016, in Vacaville, California, that the foregoing is true and correct.

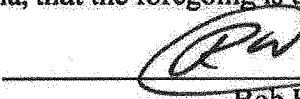
20 
21 Bob Keith

Exhibit A

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Bosco Kante

Plaintiff(s)

v.

RASH CURTIS & ASSOCIATES

Defendant(s)

Civil Action No.

C16- 5807

EDL

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) RASH CURTIS & ASSOCIATES
190 S. Orchard Avenue
Suite A205
Vacaville, CA 95688

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Bosco Kante

465 Canyon Oaks Dr. Apt F
Oakland, CA 94605
Telephone: (323) 481-7372
Email: bosco.kante@gmail.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: OCT - 7 2016

CLERK OF COURT

Carla L. Johnson

Signature of Clerk or Deputy Clerk

Exhibit B

From: Ben Larsen
Sent: Tuesday, October 11, 2016 1:21 PM
To: Bob Keith <bob.keith@rashcurtis.com>; Duane Oliveira <duane@oliveiralaw.com>; Marie Geisser <marie.geisser@rashcurtis.com>
Subject: Summons Served

Hey Bob,

We were just served a summons at the front desk. No complaint was attached, the process server just served this sheet.

Thank you,

Ben Larsen

Ben Larsen
Paralegal/Legal Service Rep



Revenue Recovery Specialist
190 S. Orchard Avenue, Suite A-200
Vacaville, CA 95688
ben.larsen@rashcurtis.com
Direct 707-454-2041 Ext 2028
Fax 707-454-2059
<http://www.rashcurtis.com>

 Please consider the environment before printing this email.

"THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION GIVEN WILL BE USED FOR THAT PURPOSE"

NOTICE TO RECIPIENT: If you are not the intended recipient of this e-mail, you are prohibited from sharing, copying, or otherwise using or disclosing its contents. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments without reading, forwarding or saving them. Thank you

CERTIFICATE OF SERVICE

I, Roxy A. Chipak, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East, Sacramento, CA 95825.

On November 1, 2016, I served the following document(s) on the parties in the within action:

**DECLARATION OF BOB KEITH IN SUPPORT OF DEFENDANT RASH CURTIS AND
ASSOCIATES' NOTICE OF MOTION AND MOTION TO DISMISS PURSUANT TO RULE
12(b)(5)**

X **BY MAIL:** I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at Sacramento, CA on this date, addressed as follows:

Bosco Kante 465 Canyon Oaks Drive, Apt. F Oakland, CA 94605	Plaintiff in Pro Per
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I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on November 1, 2016.

By: Roxy A. Chipak